

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHANTOVIA JACKSON,

Plaintiff,

vs.

**CHICK AND SEAFOOD INC., and LINDA
HENDERSON, an Individual.**

Defendants.

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CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW Plaintiff Chantovia Jackson (“Jackson” or “Plaintiff”) and files her Original Complaint and, in support of her causes of action, alleges as follows:

I. PARTIES

1. Plaintiff is a resident of and citizen of the state of Texas.
2. Plaintiff is an African-American female.
3. Defendant Chick and Seafood Inc. (“CSI”) is a Texas corporation with its principal place of business in Duncanville, Dallas County, Texas.
4. Defendant Linda Henderson (“Henderson”) is an individual resident and citizen of Texas.

II. JURISDICTION AND VENUE

5. This action arises under United States Code, Title 42, § 1981 *et seq.* and Title VII, 42 USC § 2000e *et seq.*

6. Venue properly lies in this Court because all acts and omissions giving rise to this claim (specifically the employment decisions addressed herein) took place in Dallas County, which is in the District and Division in which suit has been filed.

III. FACTS SUPPORTING PLAINTIFF'S CLAIMS

7. CSI operates a fast-food franchise outlet of Henderson Chicken on Camp Wisdom Road in Dallas, Texas. The Camp Wisdom Henderson Chicken location is one of multiple Henderson Chicken franchises throughout the Dallas area.

8. Ms. Henderson is the franchisor of Henderson Chicken. All of the Henderson Chicken franchises' operations are interrelated, with centralized control of labor relations, including transferring employees between and among the franchises. Ms. Henderson participates in the management and oversight of CSI and the other Henderson Chicken franchises and exercises financial control.

9. Between approximately 2014 and 2021, Plaintiff worked at several Henderson Chicken franchise locations in the Dallas-Fort Worth area. Sometime in 2018, Plaintiff began working at the Camp Wisdom Road location of Henderson Chicken (the "Camp Wisdom Store").

10. Plaintiff discovered that the atmosphere at the Camp Wisdom Store was unusual. The Camp Wisdom Store employed a number of non-United States citizens who were not authorized to work in the United States. Many of these employees used fictitious names or aliases in connection with their work at the restaurant.

11. Furthermore, the purported owner, who used the name "Jim,"¹ frequently stated his belief that African-Americans are lazy and not hard workers. Both Jim and the store manager, who used the name "Jordan," regularly referred to African-American employees as "you people"

¹ Plaintiff intends to name "Jim" as an individual defendant once she learns his true identity.

and “you motherfuckers.” African-American employees were frequently denied breaks, while non-African-American employees essentially were free to come and go as they pleased.

12. In addition to the racial bias exhibited by the Camp Wisdom Store’s management, “Jim” and “Jordan” both acted in a manner that was sexually inappropriate. “Jordan” inappropriately touched female African-American employees, including Plaintiff. Specifically, “Jordan” touched Plaintiff’s buttocks on more than one occasion. Another time, “Jordan” attempted to put money into Plaintiff’s bra.

13. On another occasion, “Jim” offered Plaintiff \$10,000 to marry “Jordan” so that “Jordan” could obtain United States citizenship by virtue of the marriage. Such actions would constitute immigration fraud in violation of 18 U.S.C. §§ 1001 and 1546. Plaintiff refused the illegal offer.

14. Plaintiff complained about these actions to Jim, who failed and refused to do anything to address the issue. Plaintiff next complained to Ms. Henderson. Like “Jim,” Ms. Henderson failed and refused to take any action to address these issues.

15. Shortly after Plaintiff complained to Ms. Henderson, “Jim” terminated her employment, explaining that Plaintiff complains too much.

IV. STATEMENT OF CLAIMS

COUNT ONE: RETALIATION UNDER SECTION 1981

16. Plaintiff incorporates Paragraphs 1 through 15 hereinabove as if fully set forth herein at length.

17. 42 U.S.C. § 1981 prohibits retaliation when an employee complains of race discrimination.

18. Plaintiff complained to both “Jim” and Ms. Henderson about racially offensive language and disparate treatment and received no substantive response.

19. After Plaintiff complained, Defendants terminated her employment, expressly because of her complaints of employment discrimination.

20. As a result of Defendants’ actions, Plaintiff suffered and continues to suffer damages and Plaintiff hereby sues.

21. Plaintiff further requests her attorneys’ fees.

COUNT TWO: DISCRIMINATION IN VIOLATION OF TITLE VII

22. Plaintiff incorporates Paragraphs 1 through 21 hereinabove as if fully set forth herein at length.

23. 42 U.S.C. § 2000e prohibits discrimination against employees based upon their race and gender, among other things.

24. Defendants discriminated against Plaintiff based upon both her race and gender.

25. Employees of Defendant CSI regularly used derogatory and insulting language in reference to African-American persons and denied African-American employees breaks and other benefits of employment that were provided to employees of other races.

26. Employees of Defendant CSI also regularly acted in a sexually inappropriate manner, including touching Plaintiff and other female employees inappropriately and offering Plaintiff money to marry another employee for citizenship purposes.

27. The actions of CSI employees described above constituted unwelcome harassment based upon Plaintiff’s membership in one or more protected groups (race and gender) and was sufficiently pervasive to affect a term, condition, or privilege of employment.

28. Plaintiff complained about this behavior and received no substantive response.

29. As a result of Defendants' actions, Plaintiff suffered and continues to suffer damages and Plaintiff hereby sues.

COUNT THREE: RETALIATION IN VIOLATION OF TITLE VII

30. Plaintiff incorporates Paragraphs 1 through 29 hereinabove as if fully set forth herein at length.

31. 42 U.S.C. § 2000e prohibits retaliation against employees who complain about illegal employment discrimination under Title VII.

32. Plaintiff complained to both "Jim" and Ms. Henderson about the unlawful discrimination she suffered.

33. Neither Jim nor Ms. Henderson did anything to correct their own and their employees' offensive behavior.

34. Instead, CSI terminated Plaintiff's employment. At the time of her termination, "Jim" told Plaintiff that she was being terminated because of her complaints.

35. As a result of Defendants' actions, Plaintiff suffered and continues to suffer damages and Plaintiff hereby sues.

36. Plaintiff also seeks her attorneys' fees.

V. REMEDIES

WHEREFORE, Plaintiff prays that the Court grant her the following relief:

- a. Back pay and front pay in a precise amount to be determined by the jury;
- b. Compensatory damages against Defendants as a consequence of Defendants' unlawful actions, in a precise amount to be determined by the jury;
- c. Punitive and exemplary damages, in a precise amount to be determined by the jury;

- d. Prejudgment and post-judgment interest;
- e. Reasonable attorneys' fees, expenses and costs, as specifically authorized by statute, to be calculated by the Court pursuant to the established procedures and precedents; and
- f. Such other relief as the Court shall deem just and proper.

VI. JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues of facts and damages raised in this case.

Respectfully submitted,

Michael E. Coles
State Bar No. 24007025
mikec@colesfirm.com
THE COLES FIRM PC
4925 Greenville Ave., Suite 200
Dallas, Texas 75206
(214) 443-7860 (Telephone)
(972) 692-7145 (Facsimile)

Of Counsel:

THE LAMBERSON LAW FIRM PC
6333 E. Mockingbird Ln, Suite 147-524
Dallas, Texas 75214
(214) 320-2894 (Telephone)
(214) 602-5796 (Facsimile)

By:



Elizabeth Aten Lamberson, Lead Attorney
State Bar No. 24027044
lizl@colesfirm.com

ATTORNEYS FOR PLAINTIFF